

FORM EXEMPT UNDER 44 U.S.C 3512

INTERNET
FORM NLRB-501
(2-09)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case 15-CA-175099 Date Filed April 28, 2016

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

OMG LLC d/b/a McDonald's & McDonald's Corp. as joint and single employers

b. Tel. No. 601-372-8221

c. Cell No.

f. Fax No.

d. Address (Street, city, state, and ZIP code)

OMG LLC: 2812 Terry Road, Jackson, MS 39212

e. Employer Representative

OMG LLC: (b) (6), (b) (7)(C)

g. e-Mail

McDonald's Corp: 2111 McDonald's Dr., Oak Brook, IL 60523

McDonald's: Gloria Stanton

h. Number of workers employed 25

i. Type of Establishment (factory, mine, wholesaler, etc.)
Restaurantj. Identify principal product or service
Food Service

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections)

of the National Labor Relations Act, and these unfair labor

practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

On or about March 26, 2016, the above-referenced employers unlawfully interfered with, restrained and coerced employees in exercise of their rights under the Act by telling employees they are not going to sign a union card in front of (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Mid-South Organizing Committee

4a. Address (Street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No.

4c. Cell No. (b) (6), (b) (7)(C)

4d. Fax No.

4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Tel. No. 504-885-9994

By 
(signature of representative or person making charge)Kevin R. Mason Smith, Attorney
(Print type name and title or office, if any)Office, if any, Cell No.
317-308-0402

Fax No. 504-885-9969

e-Mail
kmason@ruspclaw.com

Address 2540 Severn Avenue, Suite 409, Metairie, LA 70002

4/28/16
(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Inquiry ID (b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
600 S Maestri PI Fl 7
New Orleans, LA 70130-3414

Agency Website: www.nlrb.gov
Telephone: (504)589-6361
Fax: (504)589-4069



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April 28, 2016

(b) (6), (b) (7)(C)

OMG, LLC d/b/a McDonald's
2812 Terry Rd
Jackson, MS 39212-3050

Gloria Stanton
McDonald's Corp.
2111 McDonald's Dr
Oak Brook, IL 60523

Re: OMG LLC d/b/a McDonald's & McDonald's
Corp., as joint and single employers
Case 15-CA-175099

Dear (b) (6), (b) (7)(C) and Ms. Stanton:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner JORDAN A. GARNER whose telephone number is (504)589-3113. If this Board agent is not available, you may contact Supervisory Field Examiner REBECCA A. DORMON whose telephone number is (504)589-6385.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as

April 28, 2016

possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

April 28, 2016

Very truly yours,

A handwritten signature in black ink that reads "M. Kathleen McKinney". The signature is written in a cursive style with a small star-like mark above the "n" in "McKinney".

M. KATHLEEN MCKINNEY
Regional Director

MKM/kll

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

15-CA-175099

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. **Did you begin operations within the last 12 months?** If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**OMG LLC D/B/A MCDONALD'S &
MCDONALD'S CORP., AS JOINT AND SINGLE
EMPLOYERS**

Charged Party

and

MID-SOUTH ORGANIZING COMMITTEE

Charging Party

Case 15-CA-175099

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on April 28, 2016, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

OMG, LLC d/b/a McDonald's
2812 Terry Rd
Jackson, MS 39212-3050

Gloria Stanton
McDonald's Corp.
2111 McDonald's Dr
Oak Brook, IL 60523

April 28, 2016

Date

Kelley Lindholm
Designated Agent of NLRB

Name

/s/

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
600 S Maestri PI Fl 7
New Orleans, LA 70130-3414

Agency Website: www.nlr.gov
Telephone: (504)589-6361
Fax: (504)589-4069



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April 28, 2016

Kevin R. Mason-Smith, Esq.
Robein Urann Spencer Picard & Cangemi, APLC
2540 Severn Avenue, Suite 409
Metairie, LA 70002-5955

Re: OMG LLC d/b/a McDonald's & McDonald's
Corp., as joint and single employers
Case 15-CA-175099

Dear Ms. Mason-Smith:

The charge that you filed in this case on April 28, 2016 has been docketed as case number 15-CA-175099. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner JORDAN A. GARNER whose telephone number is (504)589-3113. If this Board agent is not available, you may contact Supervisory Field Examiner REBECCA A. DORMON whose telephone number is (504)589-6385.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

April 28, 2016

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "M. Kathleen McKinney". The signature is written in a cursive style with a small star above the letter 'n' in McKinney.

M. KATHLEEN MCKINNEY
Regional Director

MKM/kl

cc: Mid-South Organizing Committee

(b) (6), (b) (7)(C)

From: [Garner, Jordan A.](#)
To: ["Kevin Mason"](#)
Subject: OMG LLC d/b/a McDonald's & McDonald's Corp, 15-CA-175099 et al
Date: Tuesday, May 3, 2016 9:12:00 AM
Attachments: [LTR 12-CA-175099 et al deadline letter to CP \(.pdf\)](#)

Dear Ms. Mason Smith,

Please see the attached letter concerning your evidence in the above-referenced charges. I look forward to beginning the investigation.

Thanks,

Jordan A. Garner, Field Examiner
National Labor Relations Board
Region 15
600 South Maestri Place
New Orleans, Louisiana 70130-3414
Phone: (504) 589-3113
Fax: (504)589-4069

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United States Government

NATIONAL LABOR RELATIONS BOARD

Region 15

600 S. Maestri Place, 7th Floor

New Orleans, LA 70130-3408

589-6361

Telephone (504)

Direct Line: (504) 589-3113

Fax: (504) 589-4069

e-mail: Jordan.Garner@nlrb.gov

May 3, 2016

Via e-mail

Kevin R. Mason Smith, Esq.
Robein, Urann, Spencer, Picard & Cangemi APLC
2540 Severn Ave.
Suite 400
Metairie, LA 70002
kmason@ruspclaw.com

Re: OMG LLC d/b/a McDonald's &
McDonald's Corp.
Case 12-CA-175099, 15-CA-175102, and
15-CA-175107

Dear Ms. Mason Smith:

As you know, the above-captioned case has been assigned to me for investigation. Per our discussion yesterday, I have blocked off time in my schedule on Thursday, May 5 and the afternoon of Tuesday, May 10 to take affidavits from your witnesses, (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C). Please contact me no later than close of business today, May 3, 2016, to confirm these affidavits or to schedule them for alternative times. Please also let me know what number I should call for the three-way call between you, me, and your witnesses. As you know, I am also available on May 11 and 12 of next week to take their affidavits. I request that, prior to our meeting, you provide me with copies of any relevant documentation.

Please be advised that the deadline for presenting all evidence in support of your charge is close of business on May 16, 2016. You should provide all witnesses, written documents, recordings, and correspondence relating to your allegations no later than that date. At this point, it is my understanding that the only witnesses you have to present in this charge are (b) (6), (b) (7)(C); however, if you intend to present any other witnesses, please advise me ASAP but no later than May 11, 2016. At this point, I am available on May 11, 12, 13 (afternoon only) and 16 to take any additional affidavits other than (b) (6), (b) (7)(C). My hours are generally 7:30 a.m. to 5:00 p.m., but I am flexible.

As the charging party herein, you have a continuing obligation to cooperate in the investigation of this matter. Accordingly, your failure to timely submit the evidence requested by the deadline outlined above may result in a recommendation that the charge or allegation be dismissed for lack of cooperation without further notification or the Region may make a determination based on the information available at that time.

Best Regards,

/s/

Jordan A. Garner
Board Agent

From: [Kevin Mason](#)
To: [Garner, Jordan A.](#)
Subject: RE: OMG LLC d/b/a McDonald's & McDonald's Corp, 15-CA-175099 et al
Date: Wednesday, May 4, 2016 5:22:52 PM

Jordan,

Can you please call me at your earliest convenience regarding the affidavit for tomorrow? One of (b) (6), (b) (7)(C) can give a statement tomorrow, is it possible to do it via the video conferencing system? Also, we would like to amend the Terry Road charge before (b) (6), (b) (7)(C) gives (b) (6), (b) (7)(C) statement.

Kevin

From: Garner, Jordan A. [<mailto:Jordan.Garner@nlrb.gov>]
Sent: Tuesday, May 03, 2016 6:59 PM
To: Kevin Mason
Subject: RE: OMG LLC d/b/a McDonald's & McDonald's Corp, 15-CA-175099 et al

Kevin,

As you know, I already have an appointment scheduled for the morning on May 10. As such, I will only be available to take the statements in the afternoon. Are both (b) (6), (b) (7)(C) providing testimony regarding all allegations? If so I do not believe we will be able to get both affidavits completed in the afternoon on May 10. Is it not possible to do one of (b) (6), (b) (7)(C) affidavits on Thursday of this week?

Thanks.

From: Kevin Mason [<mailto:kmason@ruspclaw.com>]
Sent: Tuesday, May 03, 2016 2:43 PM
To: Garner, Jordan A. <Jordan.Garner@nlrb.gov>
Subject: RE: OMG LLC d/b/a McDonald's & McDonald's Corp, 15-CA-175099 et al

(b) (6), (b) (7)(C) are available to give statements on Tuesday, May 10.

From: Garner, Jordan A. [<mailto:Jordan.Garner@nlrb.gov>]
Sent: Tuesday, May 03, 2016 8:10 AM
To: Kevin Mason
Subject: OMG LLC d/b/a McDonald's & McDonald's Corp, 15-CA-175099 et al

Dear Ms. Mason Smith,

Please see the attached letter concerning your evidence in the above-referenced charges. I look forward to beginning the investigation.

Thanks,



Jordan A. Garner, Field Examiner
National Labor Relations Board
Region 15
600 South Maestri Place
New Orleans, Louisiana 70130-3414
Phone: (504) 589-3113
Fax: (504)589-4069

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Robein, Urann, Spencer, Picard & Cangemi APLC. 2540 Severn Ave, Suite 400 Metairie, LA 70002 Phone: 504.885.9994 Fax: 504.885.9969 <http://www.ruspclaw.com>
Robein, Urann, Spencer, Picard & Cangemi APLC. 2540 Severn Ave, Suite 400 Metairie, LA 70002 Phone: 504.885.9994 Fax: 504.885.9969 <http://www.ruspclaw.com>

Case Name: OMG LLC d/b/a McDonald's & McDonald's Corp., as joint and single employers
Case No.: 15-CA-175099, 175102, 175107
Agent: FX Garner

CASEHANDLING LOG

Date	Person Contacted	Method of Contact	Description of Contact or Activity
5/2/2016	Mason Smith	Ph	Called Mason Smith to schedule affs but she said she'd have to call me back
5/2/2016	Mason Smith	Ph	Smith left a VM I called Smith. (b) (5), (b) (6), (b) (7)(C) 
5/4/2016	Smith	Ph	Smith left a VM Called Smith. (b) (5), (b) (6), (b) (7)(C) 

[illegible]



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
600 S Maestri Pl Fl 7
New Orleans, LA 70130-3414

Agency Website: www.nlrb.gov
Telephone: (504)589-6361
Fax: (504)589-4069

May 6, 2016

Doreen S. Davis, ESQ.
Jones Day
222 E. 41st Street
New York, NY 10017-6702

Michael Ferrell, ESQ.
Jones Day
77 West Wacker Drive
Suite 3500
Chicago, IL 60601

Elizabeth Winiarski
Jones Day
77 W. Wacker Drive
Suite 3500
Chicago, IL 60601

Re: OMG LLC d/b/a McDonald's & McDonald's
Corp., as joint and single employers
Case 15-CA-175099

Dear Ms. Davis, Mr. Ferrell and Ms. Winiarski:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/

Susan O. Crochet
Acting Regional Director

SOC/cc

cc: Gloria Stantona
McDonald's Corp.
2111 McDonald's Dr.
Oak Brook, IL 60523

(See next page for additional parties)

Kevin R. Mason-Smith, Esq.
Robein Urann Spencer
Picard & Cangemi, APLC
2540 Severn Avenue
Suite 409
Metairie, LA 70002-5955

Mid-South Organizing Committee
220 Park Drive Apt D 43
Pearl, MS 39208

Marc O'Ferrall
OMG, LLC D/B/A McDonald's
2812 Terry Rd
Jackson, MS 39212-3050